

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA, In and for the County of Cochise

**JUDGE: HONORABLE JAMES L CONLOGUE,
DIVISION: FIVE
COURT REPORTER: AARON SCHLESINGER
INTERPRETER: NONE**

**MARY ELLEN DUNLAP, Clerk of the Superior Court
by: CAROL ROLES (12/4/2018 3:29:55 PM), Deputy Clerk**

HEARING DATE: 12/04/2018

STATE OF ARIZONA, VS KIRBY TRENT FULTON, DOB: 2/14/1975	CASE NO: S0200CR201300567 MINUTE ENTRY: PROBATION VIOLATION HEARING HEARING START TIME: 9:03 AM HEARING END TIME: 9:52 AM
Plaintiff,	
Defendant.	

State Represented by: LORI ZUCCO, Chief Criminal Deputy County Attorney
Defendant present in person in pro se and by advisory counsel, HARRY MOORE, Assistant Legal Defender
Defendant in Custody: YES

This matter came regularly before the Court this date for a Violation Hearing.

Upon inquiry by the Court, Ms. Zucco had no preliminary matters and waived opening statement.

Upon inquiry by the Court, Defendant had no preliminary matters and waived opening statement.

Ms. Zucco called as a witness XAVIER RIOS who, duly sworn and under oath, was direct examined.

THE RECORD MAY REFLECT that during this witness's testimony the witness identified the Defendant.

Ms. Zucco requested the Court to take judicial notice of the file.

At 9:05 a.m. Court recessed to allow copies to be made

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At 9:13 a.m. proceedings reconvened with the presence of all parties previously announced. Mr. Rios having been previously sworn and remaining under oath returned to the witness stand.

THE RECORD MAY REFLECT that State's exhibits 1 and 2 were marked for identification.

Date: 12/04/2018 Case No.: S0200CR201300567

Minute Entry – Probation Violation Hearing

Witness, Xavier Rios, continued to be direct examined, cross-examined, re-direct examined and excused from the stand.

During this witness's testimony the witness identified State's exhibits 1 and 2. State's exhibits 1 and 2 were entered into evidence.

Ms. Zucco called as a witness GUY HUDSON who, duly sworn and under oath, was direct examined, cross-examined, re-direct examined, re cross-examined and excused from the stand.

THE RECORD MAY REFLECT that during this witness's testimony the witness identified the Defendant.

During this witness's testimony Ms. Zucco presented State's exhibit 3 that was identified by the witness. State's exhibit 3 was entered into evidence.

Upon inquiry by the Court, the Defendant had no evidence to present.

Ms. Zucco presented closing argument.

Defendant presented closing argument, at which Defendant also presented to the Court his handwritten letter, that was reviewed and filed in open court.

The Court FINDS that the State has proved that Defendant violated his probation in the three instances set forth in the Petition to Revoke Probation filed October 9, 2018.

IT IS ORDERED SETTING this matter for **Disposition** on **MONDAY, DECEMBER 24, 2018**, at 10:30 a.m. in Division FIVE of this Court.

IT IS FURTHER ORDERED directing the Adult Probation Department to prepare and submit a pre-disposition memorandum pursuant to the Rules. A copy of the pre-disposition report shall be sent to Defendant.

c: e-mailed (e) by: cdr date: 12/4/18

☒ County Attorney (e)

☒ Legal Defender (Moore) (e)

☒ Defendant: Kirby Fulton c/o Cochise County Jail, 203 North Judd Drive, Bisbee, Az 85603

☒ CCSO/Jail (e)

☒ DIV FIVE JAA (e)

☒ APO (e)